**The One Ocean Hub’s**

**Written Evidence to the UN Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment**

**Women, Girls and the Right to a Clean, Healthy and Sustainable Environment**

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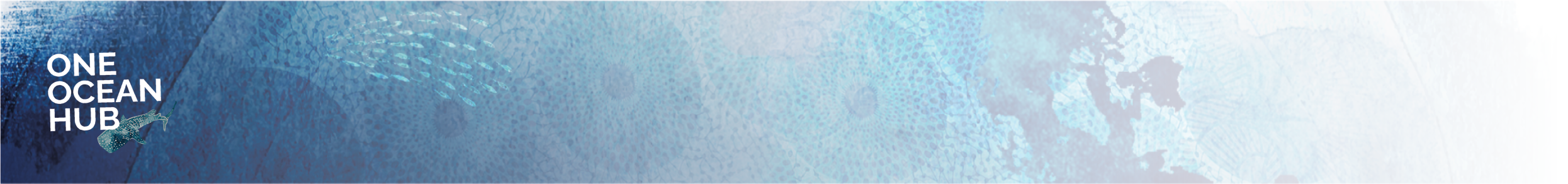
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[Website](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Foneoceanhub.org%2F&data=04%7C01%7Csenia.febrica%40strath.ac.uk%7Ca33c0ed48adf479fb2e108d908a19088%7C631e0763153347eba5cd0457bee5944e%7C0%7C0%7C637550312263279296%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=xV%2BQK%2FcuTy0dYW4FTZIxdvyiysVMD6BesSRYraIyHPs%3D&reserved=0) / [Facebook](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.facebook.com%2FOneOceanHub%2F&data=04%7C01%7Csenia.febrica%40strath.ac.uk%7Ca33c0ed48adf479fb2e108d908a19088%7C631e0763153347eba5cd0457bee5944e%7C0%7C0%7C637550312263289287%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=v%2FWEpz0eMV%2BSauaUy8rlZhhII9ogRDaqB9ox7BK%2BKhg%3D&reserved=0) /

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**Background information on the One Ocean Hub**

The One Ocean Hub is an international programme of research for sustainable development, working to promote fair and inclusive decision-making for a healthy ocean whereby people and planet flourish. The Hub brings together coastal people, researchers, decision-makers, civil society, and international organisations to value, and learn from, different knowledge systems and voices. It specifically addresses the challenges and opportunities facing South Africa, Namibia, and Ghana, endeavouring to share relevant research findings at the regional and international levels. The Hub is funded by UK Research and Innovation (UKRI) through the Global Challenges Research Fund (GCRF), a key component in delivering the UK AID strategy to tackle the UN Sustainable Development Goals (SDGs). Led by the University of Strathclyde, UK, the Hub gathers 126 researchers, 21 research partners, and 19 project partner organisations, including UN bodies and programmes. The Hub is currently collaborating with the UN Food and Agriculture Organization, the UN Office of the High Commissioner for Human Rights, the Children Environmental Rights Initiative, and the UN Environment Programme to clarify and mainstream within pertinent policy dialogues the nexus between the ocean, climate change, biodiversity, and human rights. It has also been collaborating with the UN Division for Ocean Affairs and the Law of the Sea since 2020, providing virtual training sessions for government officials and other ocean practitioners around the world on the law of the sea, international environmental law and human rights.

**Scope of this written submission**: This submission addresses 4 questions raised in the call for inputs on Women, Girls and the Right to a Healthy Environment, as listed below.

1. **How are the climate, pollution, and biodiversity crises adversely impacting women and girls? What are the principal barriers facing these rights holders’ realization of the right to a clean, healthy and sustainable environment?**

The global climate, pollution and biodiversity crises have effects across all socioeconomic groups and their impacts are differentiated by gender, economic, social and geopolitical factors. The negative impacts are not the same within and between communities, but will vary as these communities are heterogeneous. The One Ocean Hub’s research sheds light on the impacts on women and girls in relation to land tenure and access to productive assets and technology, access to water, ocean plastics and sea-level rise, generally underscoring the need for further attention to girls and women as ocean defenders ([environmental human rights defenders](https://oneoceanhub.org/one-ocean-hub-highlights-role-and-needs-of-small-scale-fishers-at-un-consultations-on-environmental-human-rights-defenders/)).

Hub research led by Buhle Francis in the rural **Eastern Cape, South Africa**, revealed that women still struggle to have the right to access and own land ([Mutangadura, 2004](https://www.iied.org/sites/default/files/pdfs/migrate/G00173.pdf)) in the context of patriarchal societies where the prevailing view that women should not own land is shared by traditional leaders who are responsible for distributing land within their rural areas. Rural livelihoods are mainly depended on agricultural production, hence discrimination in land allocation increases food insecurity for women. Also, women and girls have hardly any productive assets such as farming equipment and livestock, which results in their economic marginalisation. Poverty increases vulnerability and women have also limited access to adaptation technologies and micro-finance support initiatives, which coupled with low literacy levels compromises their coping power. Women’s livelihood strategies are more dependent on natural resources and this makes them highly exposed the impacts of climate change ([Mutangadura, 2004](https://www.iied.org/sites/default/files/pdfs/migrate/G00173.pdf), [Moser and Satterthwaite, 2010](https://www.iied.org/10564iied)). The majority of women and girls in the South African coastline are experiencing severe shortages of water (especially in the Eastern Cape, like Hamburg) within their communities and spend significant time trying to collect water, sometimes having to walk for more than 5 kms. This problem, unfortunately, is not unique to South Africa. The issue of water shortages in rural and coastal communities and its implications on women is also common in Ghana ([Filho et al., 2022](https://doi.org/10.1016/j.scitotenv.2021.150420); [Buor, 2004](https://pubmed.ncbi.nlm.nih.gov/14637289/))

Hub research in **Ghana** unveiled the unprecedented challenges to small-scale fishers and their communities arising from marine plastics, with damage to fishing gears and propellers that causes lower yield at sea. Plastics are washed to the shore and deposited on the banks of lagoons where most coastal households are situated, and where women carry out their fish processing activities. It is worth noting that in most cases women fish processors also find plastics debris within fish. This sometimes results in the loss of revenue from fish sales. The Hub’s short film [Menace of Ocean Plastics](https://youtu.be/QjROUWtYXH4) revealed that the proliferation of marine plastics even deters visit to some of these beaches in Ghana, with negative impacts on physical and mental health, as well as cultural practices. Fish processors whose smoking sheds are located on the banks of lagoons where most of these plastic debris are deposited face worsening environmental and occupational challenges. Survey showed that most of these women fish processors recognise the negative impacts of plastic pollution on their health and occupation (including because of the stench from plastic debris). In addition, mosquitoes and other parasite breed in plastic debris, making it more impossible for them to work at night. These health impacts also affect girls who help their mothers with processing in the smoking sheds. The situation is worsened by the lack of specific policies against marine plastic littering management in Ghana. Furthermore, the media’s advocacy against marine plastic litter tends to focus on only how to mitigate the effects of marine plastics on fishers’ yield, without considering women and girls whose occupational environment shoulder the burden of plastic waste ([Sackey et al., 2021](https://www.jaefr.com/abstract/an-assessment-of-the-innovative-ways-of-stimulating-societal-engagement-in-the-combat-of-marine-pollutionthe-case-of-pla-85310.html)).

Furthermore, Hub researchers based at the University of Cape Coast, Ghana, Dr Georgina Yaa Oduro and Dr John Ansah and news on [Ghanaian Times](https://www.ghanaiantimes.com.gh/tidal-waves-sweep-away-homes-at-agavedzi-salakope-in-ketu-south/) by Kafui Gati noted how [tidal waves and increase in sea level](https://www.youtube.com/watch?v=xCPn_UmcAR4&t=472s) due to climate change have washed away essential infrastructure in some Ghanaian communities, such as in schools and homes, preventing girls from attending schools and women from performing their basic domestic chores, including cooking (Oduro and Ansah, forthcoming). Interviews with community members in coastal communities in the Central and Western Regions of Ghana have shown that the construction of sea defences have safeguarded community settlements and women fish processors smoking sheds against the destructions from these high tides. However, this adaptation measure also deprived some artisanal fishermen of their livelihoods due to the resulting reduction in opportunities to operate their beach seine and bring canoes ashore for maintenance.

Hub research in Ghana further underscored that with dwindling fish stocks partly due to [illegal, unreported and unregulated fishing](https://www.youtube.com/watch?v=S8sok7blfwM) practices, the livelihood of women in coastal communities have been rendered vulnerable together with their right to a healthy environment. Furthermore, [Kyei-Gyamfi, 2022](https://orcid.org/0000-0003-3058-5831) reported on a ‘[fish for sex’](https://www.sciencedirect.com/science/article/pii/S0305750X08000223) phenomenon, whereby women who have unequal access to limited fish stocks offer sex to fishermen in an exchange for fish to support their fish-related business. Girls whose mothers cannot guarantee food security for their household are also involved. This phenomenon has increased the potential for contraction of HIV/AIDS and other sexually transmitted diseases.

1. **What are the specific obligations of States and responsibilities of businesses in terms of adopting a gender-responsive approach to protecting (for States) and respecting (for businesses) women’s and girls’ rights to a clean, healthy and sustainable environment?**

In **South Africa**, the Bill of Rights, which is contained in Chapter 2 of the Constitution of 1996 states that “everyone has the right to a healthy environment, and also the right to have the environment protected from pollution and ecological degradation, which promotes conservation and secures ecologically sustainable development”. In addition, the Commission for Gender Equality Act 39 of 1996, the 1998 Domestic Violence Act, the 2012 Criminal Law (Sexual Offences and Related Matters) Amendment Act, the 1998 Maintenance Act and the 2011 Protection from Harassment Act are relevant. But Hub research has underscored the lack of proper monitoring in the implementation of laws, conflicting use of coastal and ocean spaces, and often the exclusion of communities who are marginalised but most dependent to ocean including women, youth and small-scale fishers contribute to inadequate protection of girls and women to a healthy and sustainable environment ([Sowman et al 2021](https://doi.org/10.1016/j.marpol.2021.104713); [Merle and Sunde 2021](https://doi.org/10.1016/j.marpol.2021.104683)). Similarly, in **Ghana** the country’s 1992 constitution, the Domestic Violence Act 2007 (Act 732), a national Gender Policy as well as the presence of a Ministry of Gender, Children and Social Protection since 2013 with cabinet status aim to protect women and children, yet challenges remain with monitoring and enforcement.

As we have underscored in our recent submission to the [UN Special Rapporteur on Cultural Rights](https://www.ohchr.org/sites/default/files/documents/issues/culturalrights/sustainabledevelopment/2022-08-22/submission-development-ga77-cso-oneoceanhub-en_0.pdf), the protection of women’s cultural rights and the use of arts can be transformative ways to protect their human right to a healthy environment, as well as other human rights of small-scale fishers and ocean-dependent communities. The [recent judicial decision](https://www.groundup.org.za/media/uploads/documents/judgment_on_sustaining_wild_coast_v_minister_of_mineral_resources__energy__others.pdf) in South Africa by the High Court in Makhanda (1 September 2022) set aside the exploration right that had been granted to Shell and Impact Africa to conduct seismic surveys for oil and gas exploration along the ‘Wild Coast’ in recognition of the need to protect the [intangible cultural connections of](https://oneoceanhub.org/the-outcome-of-the-shell-seismic-survey-case/) [communities with the ocean](https://oneoceanhub.org/participating-in-seismic-shifts-in-ocean-research-and-advocacy-collaboration-in-south-africa/) (as evidenced in co-produced art work) as well as their livelihoods and clean environment. Through that recognition, the Court also underscored the need for more inclusive and genuine consultations with human rights-holders in relation to proposed ocean developments.

Under **international law**, there is an urgent need to further clarify State obligations and business responsibility to respect girls’ and women’s human rights in relation to the protection of the marine environment, including at the [ocean-climate nexus ([Lennan and Morgera 2022](https://brill.com/view/journals/estu/37/1/article-p137_6.xml)),](https://brill.com/view/journals/estu/37/1/article-p137_6.xml) and to ensure their protection as ocean defenders, as part of the human right to a healthy environment, notably in the context of:

* the development of a new UN General Comment on Children’s Rights to a Healthy Environment, with a focus on climate change, there has been [insufficient attention](https://oneoceanhub.org/contributing-to-global-consultations-on-childrens-right-to-a-healthy-environment/) [to the global biodiversity crisis](https://oneoceanhub.org/highlighting-the-role-of-the-ocean-in-the-context-of-childrens-rights-to-a-healthy-safe-and-sustainable-environment-in-the-midst-of-a-climate-crisis/) and [the role of the ocean in relation to children’s’ rights](https://oneoceanhub.org/connecting-childrens-human-rights-to-a-healthy-ocean/), including girls’ rights;
* the [forthcoming negotiations](https://oneoceanhub.org/reflections-on-the-new-un-process-to-develop-a-treaty-on-plastics/) of a plastics treaty, attention to the impacts on the human rights of women and [girls,](https://oneoceanhub.org/publications/info-sheet-childrens-human-rights-ocean-plastics/) and their participation (together with that of other human rights-holder representatives) in the negotiations are needed;
* international climate negotiations, more attention is needed to ensure the protection the human rights of women and girls in the context of ocean-based climate action; and [climate finance](https://oneoceanhub.org/wp-content/uploads/2021/10/Climate-change-and-ocean-policy-brief-FINALFINAL.pdf) [should be allocated](https://oneoceanhub.org/reflections-on-the-ocean-at-the-climate-intersessional-conference-2022/) as a priority for [ocean-based climate action](https://oneoceanhub.org/wp-content/uploads/2021/11/Algoa-Bay-case-study-16.11.pdf) that is co-developed with ocean-dependent communities, with recognition for the knowledge and needs of women and children is also recommended; and
* the almost concluded negotiations on marine biodiversity of areas beyond national jurisdiction, where some references to gender are included in the draft text but little attention has been paid generally to human rights and very little [public participation](https://oneoceanhub.org/participation-at-bbnj-negotiations-matters/) [has been guaranteed.](https://oneoceanhub.org/publications/policy-brief-advancing-participation-in-the-conservation-sustainable-use-of-marine-biodiversity-of-areas-beyond-national-jurisdiction-bbnj/)

More generally, it would be important to underscore that the Guidance provided by the Committee of the Convention on the Elimination of All Forms of Discrimination against Women ([*General recommendation No. 34 on the rights of rural women*](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_7933_E.pdf), 2016) is relevant in interpreting State obligations under the Convention on Biological Diversity, the Paris Agreement and the UN Convention on the Law of the Sea, such as:

* establishing gender-responsive enabling institutional, legal and policy frameworks, that are adequately budgeted, on rural development, agriculture, water, forestry, livestock, fisheries and aquaculture;
* mainstreaming a gender perspective in all rural development policies, strategies, plans and programmes, with a view to enhancing women’s agency, their fair and equitable participation along with their leadership; and
* developing and implementing temporary special measures to enable rural women to benefit from the public distribution, lease or use of land, water bodies, fisheries, forests and from agrarian reform policies, rural investments and management of natural resources in rural areas, giving priority to landless rural women in the allocation of public lands, fisheries and forests.

In addition, it would be helpful to clarify also the relevance of the less-known guidance provided by the CEDAW Committee that rural development projects (including actions for the conservation and sustainable use of biodiversity) are implemented only after: 1) conducting participatory gender and environmental impact assessments with full participation of rural women; and 2) obtaining rural women’s free prior informed consent (FPIC) and ensuring fair and equitable benefit-sharing (for instance, in revenues generated by large-scale development projects: CEDAW/C/ARG/CO/7). More clarity on the obligations on EIAs, FPIC and benefit-sharing for rural women could be derived by analogy from the CBD guidance on indigenous peoples and local communities (discussed at 4.3.4 below). This guidance is also relevant for agri-business, as highlighted in the Committee on Food Security’s Principles on Responsible Investment in Agriculture and Food Systems and the FAO-OECD Guidance on Responsible Agricultural Supply Chains.[[1]](#footnote-1)

These interpretative clarifications on States’ obligations under CEDAW help delimit States’ discretion under the international environmental agreements, as their gender action plans merely refers to a list of possible actions for State Parties, and/or are generally seen as voluntary or expression of good practices, as opposed to a means to implement legally binding international obligations.

1. **What kinds of socioeconomic, cultural, legal, and/or institutional transformations would be required within your States’ national context to achieve gender parity that most directly impact environmental decision-making processes, benefit-sharing processes, and outcomes?**

Recognition of women’s unique knowledge and their economic contributions, [including through](https://www.ohchr.org/sites/default/files/documents/issues/culturalrights/sustainabledevelopment/2022-08-22/submission-development-ga77-cso-oneoceanhub-en_0.pdf) [art forms,](https://www.empatheatre.com/) can be transformational in genuinely supporting women’s leadership in productive sectors and enhancing the protection of their human rights – as we submitted to the UN Special Rapporteur on Cultural Rights. This is particularly pressing in the context of sustainable fisheries management as women’s fisheries activities immensely contribute to both occupational and household security. Unfortunately, women contribution to sustainable management, environmental, social, biological and economic security is often overlooked. This is partly due to the constraining effect of cultural norms making women participation in sustainable management limited. That said, women’s occupational groups are becoming more expansive and diverse than the male fisherman’s group ([Torell et al 2019](https://doi.org/10.1080/08920753.2019.1669098)), with some women occupational groups becoming hierarchically-positioned such as the kokohemaas (queen of the women fish processors) and as canoe owners (i.[e., fish mammies in Ghana](https://www.youtube.com/watch?v=nDCyjRznGEA)), their representation in the traditional co-management structure could contribute to decisions that can make important management contributions towards sustaining fishery resources.

1. **What are the potential benefits of respecting, protecting and fulfilling women’s and girl’s rights to a clean, healthy and sustainable environment? Examples that treat girls distinctly from adult women would be particularly appreciated.**

Fundamentally, protecting women’s and girls’ human rights has the benefit of empowering them to continue to act as **environment and ocean human rights defenders**, to the benefit of everyone’s right to a healthy environment.

Along the coastline of **South Africa**, women are among the groups that are fighting and resisting the projects of seismic surveys for [offshore oil and gas exploration](https://www.theguardian.com/environment/2022/sep/01/south-african-court-bans-offshore-oil-and-gas-exploration-by-shell) which threatens their livelihoods and the marine life and a safe climate. Women ocean defenders have been successful in recent legal challenges to these harmful exploration practices, with the support of an innovative network of researchers and legal NGOs, the [Coastal Justice Network](https://coastaljusticenetwork.co.za/). ([Sunde 2022](https://oneoceanhub.org/participating-in-seismic-shifts-in-ocean-research-and-advocacy-collaboration-in-south-africa/); [Pereira Kaplan 2022](https://oneoceanhub.org/the-outcome-of-the-shell-seismic-survey-case/)) The role of women ocean defenders was emphasized during the [high-level event](https://www.youtube.com/watch?v=JaBnVZQS6_o&t=768s) for World Oceans Week 2022 on the human rights of small-scale fishers in which the Special Rapporteur participated, together with FAO and a video-message from the High Commissioner for Human Rights,[[2]](#footnote-2) but more work remains to be done to support them in addressing the multiple threats to their livelihoods and cultures, including in terms of recognition of their contributions and knowledge and genuine participation in decisions that may affect them and their communities.

In **Ghana**, responses to a survey from fish mammies and other women fish processors carried out by Hub researchers indicate that chemical fishing negatively affects their income, as customers are unwilling to buy contaminated fish from them. Thus, fish mammies have warned fishermen against chemical fishing, threatening them to use their ‘pay day’ to replace losses they may incur. Some women *fish mammies* and marketers test fishes at the landing beach to test whether or not a fish contains chemicals before they actually pay for it. A fish mammy revealed that:

*I pour water on the fishes and wait for about 10 minutes. If the water turns black and not reddish, it means they were caught with chemicals like DDT and Dynamite (Fish mammy, Elmina)*

Others also raise the gill cover of some of the fish to examine the color of the gills to confirm if they were caught with chemicals. Girls in these communities have been targeted by plastic literacy campaigns by NGOs Friends of the Nation.

1. E Morgera (2020), “Biodiversity as a Human Right and its Implications for the EU’s External Action”, Report to the European Parliament, <https://www.europarl.europa.eu/RegData/etudes/STUD/2020/603491/EXPO_STU(2020)603491_EN.pdf> [↑](#footnote-ref-1)
2. Summary of key messages from the event can be found [here](https://oneoceanhub.org/publications/key-messages-high-level-event-on-small-scale-fishers-rights/). [↑](#footnote-ref-2)